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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,873	12/09/2003	John W. Matthews	SF-1	6841
25917	7590	09/14/2005	EXAMINER	
LANGLOTZ PATENT WORKS, INC.			HAN, JASON	
PO BOX 759			ART UNIT	
GENOA, NV 89411			PAPER NUMBER	
			2875	

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/732,873	Applicant(s) MATTHEWS ET AL. 	
	Examiner Jason M. Han	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Pages 7-13, filed July 7, 2005, with respect to the rejection(s) of claim(s) 1-15 and 17 under 35 U.S.C. 102(b) and 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

Claim Objections

2. Claim 15 is objected to because of the following informalities: The limitation, "the first degree of force", lacks sufficient antecedent basis. Appropriate correction is required.

The following claims have been rejected in light of the specification, but rendered the broadest interpretation as construed by the examiner [MPEP 2111].

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

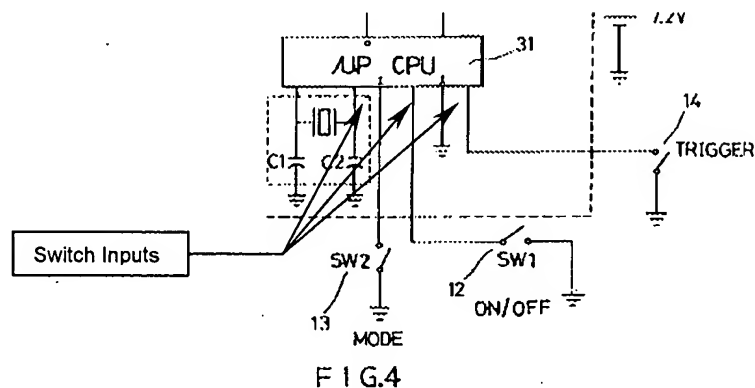
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

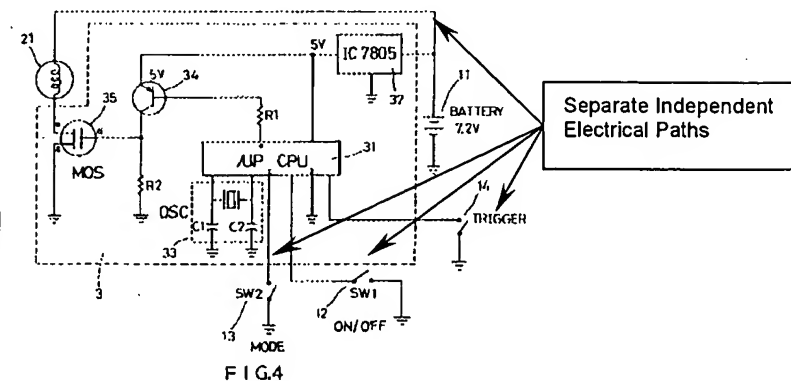
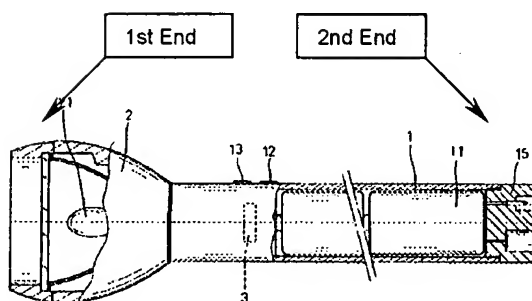
3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Ko et al. (U.S. Patent 6307328).
4. With regards to Claim 1, Ko discloses a flashlight including:
- A lamp [Figures 3-4: (21)];

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- A power storage element [Figures 3-4: (11)];
- A switch [Figures 3-4: (14) or Figures 3-4: (12-13)];
- An electronic controller [Figures 3-4: (3)];
- The controller having a switch input connected to the switch;



- The controller being operable in response to the input to deliver power from the power storage element to the lamp [Column 2, Lines 41-46; Column 2 Line 63-Column 3, Line 1]; and
- The flashlight having an elongated housing [Figure 3: (1)] having the lamp at a first end and the switch at an opposed second end [Figure 3: (14)], and including at least two independent electrical paths between the first and second ends.



5. With regards to Claim 2, Ko discloses the switch being operably connected directly to the switch input [Figure 4 – note drawing on top of page].
6. With regards to Claim 3, Ko discloses the controller, lamp, and power storage element being connected to each other via a power circuit bypassing the switch, such that current for illuminating the lamp does not pass through the switch [Figure 4 – note the control circuit (3) permits bypassing of all three switches (12-14)].
7. Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Nilssen (U.S. Patent 5498934).
8. With regards to Claim 8, Nilssen discloses a flashlight including:
 - An electronic controller [Figure 1: (FCM); Column 2, Lines 18-22];
 - A lamp [Figure 1: (LB)] connected to the controller;
 - A power storage element [Figure 1: (B)] connected to the controller;
 - A switch [Figure 1: (SW)] connected to the controller;
 - The switch being operable within a range of conditions and operable to transmit an electrical state corresponding to a condition to the controller [Figure 3]; and
 - The switch having a plurality of different electrical states in addition to an off state [Figure 3], and wherein the electrical state the electrical state is based on a degree of externally applied force [Column 1, Lines 28-45].
9. With regards to Claim 9, Nilssen discloses the switch including a plurality of separate contact elements [Figure 1: (D1, D2/TP1, TP2)] each connected to a respective electrical component [Figure 1: (SC, SR)], and all operable to contact a

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common contact [Figure 1: (SC1, SC2)] sequentially in response to movement of a switch actuator [Figure 1: (SA)], such that the number of separate contacts contacting the common contact is based on the degree of applied external force.

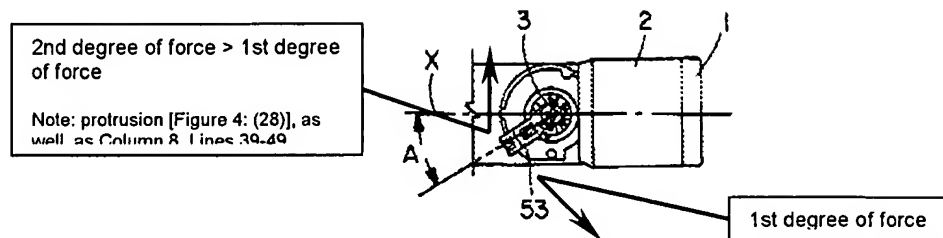
10. With regards to Claim 10, Nillsen discloses the switch including a resistor network [Figure 1: (SR)] where the electrical states include a plurality of different resistance values.

11. Claims 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by McDermott (U.S. Patent 6024471).

12. With regards to Claim 11, McDermott discloses a flashlight including:

- A lamp [Figures 3, 16: (44)];
- A power storage element [Figures 3, 16: (PS)];
- A switch [Figures 3, 18: (3, 53, 59, 60)];
- An electronic controller [Figures 14, 16: (48); Column 1, Lines 52-58] operably connected to each of the power storage element, the lamp, and the switch;
- The controller operable to provide momentary illumination of the lamp during an application of a first degree of force, and to cease illumination of the lamp in response to cessation of the force [Figures 24-27; Column 10, Line 38 – Column 11, Line 11]; and
- The controller operable to provide sustained illumination of the lamp in response to application of a greater second degree of force, and to maintain illumination of the lamp in response to cessation of the force [Figures 20-23; Column 10, Lines 6-37; Column 8, Lines 39-49].

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13. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Nilssen (U.S. Patent 5498934).

Nilssen discloses a flashlight including:

- A lamp [Figure 1: (LB)] with a variable light output level up to a maximum output level [Figure 3];
- A switch [Figure 3: (SL)] operable through a range of conditions ranging between a released position and a fully actuated position;
- A power storage element [Figure 1: (B)];
- A dimmer facility [Figure 1; (SW)] operable to select a dimmed output level below the maximum output level [Column 1, Lines 28-45];
- An electronic controller [Figure 1: (FCM)] operably connected to each of the lamp, the switch, the power storage element, and the dimmer facility;
- The controller operable to provide illumination of the lamp at the dimmed output level in response to an application of a first degree of force on the switch [Figure 3; Column 2, Lines 56-60; Column 3, Lines 37-67]; and
- The controller operable to provide illumination of the lamp at the maximum output level in response to application of a greater second degree of force on the switch [Figure 3; Column 2, Lines 56-60; Column 3, Lines 37-67].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko et al. (U.S. Patent 6307328) as applied to Claim 1 above, and further in view of Nilssen (U.S. Patent 5498934).

Ko discloses the claimed invention as cited above, but does not specifically teach the switch operable within a range of conditions and operable to transmit an electrical state corresponding to a condition to the controller (re: Claim 4); the switch having a plurality of different electrical states in addition to an off state, wherein the electrical state is based on a degree of externally applied force (re: Claim 5), wherein the switch includes a plurality of separate contact elements each connected to a respective electrical component, all of which are operable to contact a common contact sequentially in response to movement of a switch actuator such that the number of separate contacts contacting the common contact is based on the degree of applied external force (re: Claim 6), and wherein the switch includes at least a resistor where the electrical states include a plurality of different resistance values (re: Claim 7).

Nilssen teaches a switch [Figure 1: (SW); Figure 3] operable within a range of conditions and operable to transmit an electrical state corresponding to a condition to a controller [Figure 1: (FCM); Column 2, Lines 18-22]; the switch having a plurality of

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different electrical states in addition to an off state [Figure 3], wherein the electrical state is based on a degree of externally applied force [Column 1, Lines 28-45], wherein the switch includes a plurality of separate contact elements [Figure 1: (D1, D2/TP1, TP2,)] each connected to a respective electrical component [Figure 1: (SC, SR)], all of which are operable to contact a common contact [Figure 1: (SC1, SC2)] sequentially in response to movement of a switch actuator [Figure 1: (SA)] such that the number of separate contacts contacting the common contact is based on the degree of applied external force, and wherein the switch includes at least a resistor [Figure 1: (SR)] where the electrical states include a plurality of different resistance values.

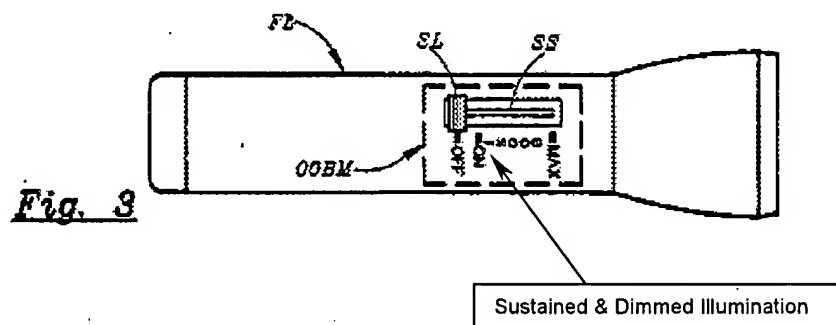
It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the switch of Ko to incorporate the manual intensity switch of Nilssen in order to provide a user with greater control of the illumination brightness, whereby varying pressures or forces may be applied accordingly to a desired intensity preference. Such a tactile feature permits greater sensitivity to a user, and thus, command of the device.

15. Claims 17 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilssen (U.S. Patent 5498934).

16. Since Claim 17 is a method of operation reciting the structural limitations of Claim 14, Nilssen is an obvious teaching over the scope of the present claim. It has been held an obvious matter that when all structural limitations of an apparatus have been satisfied by the prior art, one of ordinary skill in the art could construct a method claim for said apparatus.

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17. With regards to Claim 15, Nilssen discloses the claimed invention as cited above. In addition, Nilssen teaches in response to application of the first degree of force for less than a selected duration, there is a sustaining of illumination of the lamp at the dimmed output level after cessation of the force [Figure 3].



Conclusion

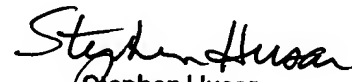
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH (9/9/2005)


Stephen Husar
Primary Examiner